UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

MONSANTO COMPANY and MONSANTO TECHNOLOGY LLC, Plaintiffs/Counterclaim Defendants, v. E.I. DU PONT DE NEMOURS AND CO. and PIONEER HI-BRED INTERNATIONAL, INC., Defendants/Counterclaim Plaintiffs.	**Case No. 09-cv-0686 (ERW)**

DUPONT'S THIRD MOTION TO COMPEL

Defendants/Counterclaim-Plaintiffs E.I. du Pont de Nemours and Company and Pioneer Hi-Bred International, Inc. (collectively "DuPont & Pioneer") respectfully move the Court for an order compelling Plaintiffs/Counterclaim-Defendants Monsanto Company and Monsanto Technology LLC (collectively "Monsanto") to produce certain documents in response to DuPont & Pioneer's discovery requests.

This motion to compel is directed to the following categories of documents:

- All executed Roundup Ready 2 Yield licenses between Monsanto and Syngenta, including any affiliates and/or subsidiaries of Syngenta;
- All executed Roundup Ready 2 Yield licenses between Monsanto and Dow including any affiliates and/or subsidiaries of Dow;
- All documents concerning the negotiation of such Roundup Ready 2 Yield licenses; and

- All documents concerning Monsanto's strategy related to such Roundup Ready 2 Yield licenses and/or efforts to get Syngenta, Dow and/or their subsidiaries to switch from Roundup Ready to Roundup Ready 2 Yield.

DuPont requests that the Court compel Monsanto to produce these categories of documents on an expedited time frame to prevent further delay. In addition, DuPont & Pioneer request the Court to direct Monsanto to identify any other categories of documents as to which it has made a unilateral, undisclosed decision to withhold documents based on relevance determinations.

DuPont incorporates by reference its memorandum in support filed concurrently herewith.

Pursuant to Local Rule 3.04, the parties have participated in numerous meet-and-confer sessions regarding Monsanto's responses and objections to DuPont's & Pioneer's discovery requests. The parties' initial discussions spanned more than a year of negotiations. During those meet-and-confer sessions, Monsanto agreed to produce the documents at issue in this motion. When it became apparent to DuPont & Pioneer that Monsanto had instead decided to selectively withhold such documents, DuPont & Pioneer reinitiated a meet-and-confer process focused on obtaining those documents. DuPont & Pioneer identified the apparent problem with Monsanto's production by letter of November 24, 2010, and the parties continued discussing this issue in letters dated November 29, December 3, and December 10 2010 and at a telephone conference on December 14, 2010. Though DuPont & Pioneer requested the courtesy of a prompt response to its letter dated December 15, 2010 and subsequently reached out to Monsanto by email on January 3, 2011 and January 18, 2011, Monsanto has still not responded to these discrete requests. Accordingly, DuPont & Pioneer have exhausted their obligation to meet and confer, and hereby move the Court to order Monsanto to produce the requested documents.

WHEREFORE, DuPont & Pioneer respectfully move the Court for an Order compelling Monsanto to produce documents in response to DuPont's & Pioneer's discovery requests identified in this motion and the accompanying memorandum in support within 10 days of the Court's Order or other expedited basis as the Court deems appropriate.

Dated: January 25, 2011

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 25, 2011, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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